

Dated: November 9, 2007

Electronic Signature for Maneesh Gulati, Esq.: /Maneesh Gulati/

Docket No.: BGI-130CPRCE
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Markus Pompejus *et al.*

Confirmation No.: 4996

Application No.: RCE of 09/604,693

Group Art Unit: 1652

Filed: June 27, 2000

Examiner: Hutson, Richard G.

For: *Corynebacterium Glutamicum* Genes Encoding
Proteins Involved in DNA Replication, Protein
Synthesis and Pathogenesis

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO EX PARTE QUAYLE ACTION

Dear Sir:

As set forth in the Ex Parte Quayle Action dated October 15, 2007, the Examiner objects to the specification on the grounds that

[i]n various places in applicants [*sic*] specification applicants refer to an 'Appendix', such as 'Appendix B' or 'Appendix A' on pages 41 and 42. These references are unclear and confusing in that no appendices exist in the instant application.

Applicants note that Appendices A and B were submitted to the U.S. Patent Office at the time of the filing of the instant application, as evidenced by the receipt date stamped postcard filed concurrently with the filing of the application and subsequently forwarded by the U.S. Patent and Trademark Office, a copy of which is attached herewith as Appendix A. In addition, Applicants note that the U.S. Patent and Trademark Office's PAIR database similarly reflects that Appendices A and B were filed concurrently with the filing of the application (see the printout enclosed herewith as Appendix B). Lastly, Applicants note that during a telephonic discussion between Applicants' representative and Examiner Hutson on November 6, 2007, Examiner Hutson acknowledged that Appendices A and B were, in fact, filed concurrently with the filing of the application on June 27, 2000.

Accordingly, Applicants respectfully request that the objection to the specification be withdrawn.

SUMMARY

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the present filing to Deposit Account No. 12-0080 under Order No. BGI-130CPRCE, from which the undersigned is authorized to withdraw.

Applicants respectfully submit that the above-identified application is in condition for allowance. If a telephone conversation with Applicants' attorney would expedite prosecution of the above-identified application, the Examiner is urged to call Applicants' Attorney at (617) 227-7400.

Dated: November 9, 2007

Respectfully submitted,

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